

## THIRD DIVISION

[ G.R. No. 205283, June 07, 2017 ]

**ABIGAIL L. MENDIOLA, PETITIONER, V. VENERANDO P.  
SANGALANG, RESPONDENT.**

### D E C I S I O N

**TIJAM, J.:**

Assailed in this Petition for Review<sup>[1]</sup> under Rule 45 are the Decision<sup>[2]</sup> dated March 23, 2012 and Resolution<sup>[3]</sup> dated January 15, 2013 of the Court of Appeals<sup>[4]</sup> (CA) in CA-G.R. CV No. 91072 which affirmed the Decision<sup>[5]</sup> of the Regional Trial Court (RTC)<sup>[6]</sup>, Branch 218 in Quezon City, dismissing petitioner's *accion publiciana* for failure to prove the better right of possession.

#### **The Antecedent Facts**

The property subject of the instant controversy is a parcel of land located at No. 104 Maginhawa Street, Brgy. Teachers Village East, Diliman, Quezon City, on which a residential house and a four-door, one-storey commercial building were built. Said property was originally registered in the name of Honorata G. Sangalang (Honorata).<sup>[7]</sup>

Honorata had two siblings, Sinforosa and Angel. Sinforosa had three children, petitioner Abigail Mendiola, Vilma Aquino (Vilma) and Azucena De Leon; while Angel begot four children, respondent Venerando, Ma. Lourdes, Angelino and Fernando, all surnamed Sangalang. Sinforosa and Angel predeceased Honorata, and on May 31, 1994, Honorata herself died intestate without any issue.<sup>[8]</sup>

While Honorata was still alive, one-half of the residential house of the subject property was being used by petitioner and the other half by Vilma's son. The commercial building, on the other hand, was being leased to third persons. This set-up continued until after Honorata's death.<sup>[9]</sup>

In 2003, respondent and his siblings discovered that the subject property was already registered in the names of petitioner and Vilma. Upon verification, they discovered that the title over the property had been transferred in favor of petitioner and Vilma by virtue of a Deed of Sale dated January 29, 1996 purportedly executed by Honorata in their favor. Consequently, a new title, TCT No. N-148021<sup>[10]</sup>, was issued in the names<sup>[11]</sup> of petitioner and Vilma.

It was around this time, or in July 2003, after Vilma's son left the residential house, that respondent, allegedly without asking permission from the petitioner or Vilma and with the use of force and violence upon things, broke open the door of the unit and had since detained the same.<sup>[12]</sup>

On April 11, 2005, petitioner and Vilma demanded that respondent vacate the unit but the latter refused to do so.<sup>[13]</sup> The dispute was referred to the *barangay* for conciliation but no settlement was reached.<sup>[14]</sup> Consequently, on October 18, 2005, petitioner and Vilma commenced their complaint<sup>[15]</sup> for *accion publiciana* against respondent for the latter to return the illegally occupied unit and to pay reasonable rental therefor.

In his Answer,<sup>[16]</sup> respondent claimed that as heirs of Honorata, they all have become co-owners in equal undivided shares of the subject property. Respondent further disputes the Deed of Sale through which ownership over the property was transferred to the petitioner and Vilma, since the same was executed only in 1996 after Honorata died in 1994.

### **The Ruling of the RTC**

On November 15, 2007, the RTC rendered its Decision<sup>[17]</sup> dismissing the complaint. The trial court noted that since respondent raised the defense of co-ownership, the case was converted from *accion publiciana* to *accion reivindicatoria*. It further noted that since it is undisputed that the parties are all heirs of Honorata, then they all have an equal right thereto. Finally, the trial court noted that the resolution of the criminal complaint for falsification lodged by respondent against the petitioner and Vilma constitutes a prejudicial question to the complaint.<sup>[18]</sup>

The RTC thus disposed:

**WHEREFORE**, finding that the plaintiffs failed to discharge their burden of proof that they have better right to the property in dispute, the complaint is hereby DISMISSED. However, plaintiffs are ordered to pay, jointly and severally, the defendant, the amount of P10,000.00 as and by way of attorney's fees.

**SO ORDERED.**<sup>[19]</sup>

Petitioner and Vilma's motion for reconsideration was similarly rebuffed by the trial court.<sup>[20]</sup> Undaunted, they elevated the case to the CA on appeal raising as sole error the trial court's conversion of the complaint from *accion publiciana* to *accion reivindicatoria* and in consequently ruling in favor of respondent. They insisted that they do not seek to recover ownership of the subject property but merely its possession.<sup>[21]</sup>

### **The Ruling of the CA**

The CA denied the appeal.<sup>[22]</sup> While the appellate court disagreed with the trial court when it converted the complaint to *accion reivindicatoria*, it nevertheless agreed with the trial court when it dismissed the complaint for *accion publiciana*, for failure to prove the better right of possession. In provisionally passing upon the issue of ownership to resolve the issue of possession, the CA held that the parties, being co-owners *pro indiviso* of the subject property, have equal right to possess the same.<sup>[23]</sup>

Accordingly, the CA disposed:

**WHEREFORE**, premises considered, the instant appeal is **DISMISSED**. The decision of the RTC of Quezon City, Branch 218 dated 15 November 2007 is **AFFIRMED**, not because the case was deemed converted to an accion reivindicatoria but for the reason that plaintiffs-appellants failed to prove that they have the better right of possession over the property.

**SO ORDERED.**<sup>[24]</sup>

Petitioner and Vilma's motion for reconsideration suffered the same rejection from the CA.<sup>[25]</sup> Hence, the instant petition filed solely by the petitioner.

### **The Issue**

The point of inquiry is whether the petitioner has the better right of possession over the subject property as to successfully evict respondent.

### **The Ruling of this Court**

The petition is devoid of merit.

In arriving at its identical pronouncement that petitioner failed to prove her better right of possession, the RTC and the CA passed upon the parties' respective claim of ownership, a procedure that is sanctioned under Section 16,<sup>[26]</sup> Rule 70. It is settled that the issue of ownership may be resolved only to determine the issue of possession.

To prove their right of possession, petitioner and Vilma harp on their claim as registered owners while respondent claims entitlement thereto as a co-heir. We find no error when the RTC and the CA decided the case in favor of respondent.

In this case, it is undisputed that the Deed of Sale, through which ownership over the property had been purportedly transferred to the petitioner and Vilma, was executed in 1996. However, it is perfectly obvious that Honorata could not have signed the same as she passed away as early as 1994. If any, Honorata's signature thereon could only be a product of forgery. This makes the Deed of Sale void and as such, produces no civil effect; and it does not create, modify, or extinguish a juridical relation.

The Court cannot simply close its eyes against such patent defect on the argument that registered owners of a property are entitled to its possession.

While it is true that petitioner and Vilma have in their favor a Torrens title over the property, it is nonetheless equally true that they acquired no right under the void Deed of Sale. Indeed, when the instrument presented is forged, even if accompanied by the owner's duplicate certificate of title, the registered owner does not thereby lose his title, and neither does the assignee in the forged deed acquire any right or title to the property.<sup>[27]</sup>

In *Spouses Reyes v. Montemayor*,<sup>[28]</sup> the Court explains:

Insofar as a person who fraudulently obtained a property is concerned, the registration of the property in said person's name would not be sufficient to vest in him or her the title to the property. A certificate of title merely confirms or records title already existing and vested. The